

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BENJAMIN ESPINOSA,

Plaintiff

Case No. 3:25-cv-00355-MMD-CLB

ORDER

v.

DAVIS,

Defendant

On July 15, 2025, *pro se* plaintiff Benjamin Espinosa, an inmate in the custody of the Nevada Department of Corrections who is housed at Northern Nevada Correctional Center ("NNCC"), submitted identical motions for temporary restraining order and preliminary injunction and did not file an application to proceed *in forma pauperis* ("IFP") or pay the full \$405 filing fee for a civil action. (See ECF Nos. 2, 3). Plaintiff did not file a complaint. The Court will grant Plaintiff an extension of time to submit a complaint and either pay the full \$405 filing fee or file a fully complete application to proceed *in forma pauperis* by an inmate at NNCC.

I. DISCUSSION**A. Plaintiff must submit a signed complaint to the Court.**

"A civil action is commenced by filing a complaint with the court." Fed. R. Civ. P. 3. "A civil-rights complaint filed by a person who is not represented by an attorney must be submitted on the form provided by this court or must be legible and contain substantially all the information called for by the court's form." Nev. LSR 2-1. The complaint must be signed personally by the unrepresented party. Fed. R. Civ. P. 11(a).

If Plaintiff wishes to proceed with this action, Plaintiff must file a complaint that complies with LSR 2-1. Plaintiff should file the complaint on this Court's approved civil-rights form.

B. Plaintiff must either pay the filing fee or file an IFP application.

This Court must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. LSR 1-1. Effective April 14, 2025, NNCC or Lovelock Correctional Center (“LCC”) inmates filing lawsuits in the U.S. District Court for the District of Nevada are directed to apply for *in forma pauperis* status using the form titled “Application to Proceed *In Forma Pauperis* by an Inmate at Northern Nevada Correctional Center or Lovelock Correctional Center.”

II. CONCLUSION

It is therefore ordered that Plaintiff has until **August 15, 2025**, to submit a complaint to this Court.

It is further ordered that Plaintiff has until **August 15, 2025**, to either pay the full \$405 filing fee or file a fully complete application to proceed *in forma pauperis*, which is pages 1–3 of the Court’s approved form for inmates at NNCC or LCC.

Plaintiff is cautioned that this action will be subject to dismissal without prejudice if Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to refile the case with the Court, under a new case number, when Plaintiff can file a complaint and either pay the filing fee or properly apply for *in forma pauperis* status.

The Clerk of the Court is directed to send Plaintiff (1) the approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same and (2) an application to proceed *in forma pauperis* by an inmate at NNCC or LCC and instructions for the same.

DATED: July 15, 2025.


UNITED STATES MAGISTRATE JUDGE